

**ICRC No.: EMra11030091**

[REDACTED],  
Complainant,

v.

**METROPOLITAN SCHOOL DISTRICT OF PIKE TOWNSHIP,**  
Respondent.

### **NOTICE OF FINDING**

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following Notice of Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(b)

On February 28, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Metropolitan School District of Pike Township ("Respondent") alleging race discrimination in violation of [REDACTED]

[REDACTED] the Indiana Civil Rights Law (IC 22-9, et seq.). Complainant is an employee and Respondent is an employer as defined by the Civil Rights Laws. IC 22-9-1-3(h) and (i) accordingly, the Indiana Civil Rights Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was terminated due to her race. In order to prevail, Complainant must show that: (1) she is a member of a protected class; (2) she suffered an adverse

employment action; (3) she was meeting Respondent's legitimate business expectations and (4) similarly-situated employees of a different race were treated more favorably.

Complainant clearly is a member of a protected class by virtue of her race, and it is also undisputed that she suffered an adverse employment action when Respondent terminated her employment on January 18, 2011. The only remaining questions are whether Complainant was meeting her employer's expectations or, if not, whether Respondent treated similarly situated employees of a different race more favorably.

The investigative record shows that Complainant was not meeting Respondent's employment expectations. The evidence indicates that Complainant failed to check her bus after her route and a child was left on the bus. The evidence indicates that a Caucasian bus driver drove her bus back to the garage and did not check for any students that might have remained on the bus. Evidence indicated that this child was found wandering, unsupervised in the bus lot, and the Caucasian bus driver did not report this incident. The evidence indicates this bus driver was suspended but remained employed. Evidence also indicates that Respondent issued a written reprimand to another Caucasian bus driver who failed to inspect her bus after her route, and a child was later discovered.

Based upon the findings, probable cause exists to believe that an unlawful discriminatory practice occurred. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged in the above-referenced case. IC 22-9-1-18, 910 IAC 1-3-5 The parties may elect to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

July 20, 2011

Date

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Joshua S. Brewster, Esq.,  
Deputy Director  
Indiana Civil Rights Commission